

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SUN MICROSYSTEMS, INC.,

No. C-07-05488 EDL

Plaintiff,

v.

NETWORK APPLIANCE, INC.,

Defendant.

**ORDER REGARDING NETAPP'S  
MOTION FOR ADMINISTRATIVE  
REQUEST TO FILE UNDER SEAL  
NETAPP'S REPLY BRIEF IN SUPPORT  
OF MOTION FOR SUMMARY  
JUDGMENT OF NON-INFRINGEMENT  
OF U.S. PATENT NO. 5,632,012 AND  
EXHIBIT THERETO; ORDER  
REGARDING SEALING REQUESTS RE:  
OPPOSITION AND EXHIBITS  
RELATING TO U.S. PATENT NO.  
7,107,385**

In connection with NetApp's Reply in Support of its Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 5,632,012 and declaration in support thereof, NetApp filed an administrative motion to file under seal the unredacted version of its Reply brief, as well as Exhibit 2 of the Walter Declaration in Support, on the basis that Sun had previously designated certain information contained in these documents "Attorney's Eyes Only." See Dkt. No. 318. Sun did not file any declaration establishing that the designated information is sealable, lodge and serve a narrowly tailored proposed sealing order, or withdraw the designation of confidentiality within seven days as required by Local Rule 79-5(d). Sun is hereby Ordered to file an appropriate response to NetApp's administrative motion within seven days of the date of this Order, or the designated information will be made part of the public record.

In connection with Sun's Motion for Summary Judgment of Invalidity of U.S. Patent No. 7,107,385, the parties have requested that various portions of NetApp's Opposition and supporting documents be filed under seal. See Dkt. No. 285, 331. The Court is unclear as to which portions of these documents the parties currently contend should be filed under seal. The parties are hereby

1 Ordered to meet and confer and submit a joint sealing request to the Court specifying which portions  
2 of the Opposition and documents should be filed under seal under the “compelling reasons”  
3 standard, as well as proposed redacted versions of these documents.

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5 **IT IS SO ORDERED.**

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7 Dated: March 29, 2010

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9 ELIZABETH D. LAPORTE  
United States Magistrate Judge

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**United States District Court**  
For the Northern District of California